

Nicholas J. Accurso, Esq. (NA 1853)
An Associate with the Firm of
REARDON & SCLAFANI, P.C.
Attorneys for Defendants
220 White Plains Road, Suite 235
Tarrytown, New York 10591
(914) 366-0201

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
DAWN BARKER,

Plaintiffs,

- against -

STATEMENT PURSUANT
TO LOCAL RULE 56.1

08 CIV. 4517 (JSR) (JCF)

BRENDA A. ITHIER, PV HOLDING CORP.
and AVIS BUDGET GROUP, INC.,

Defendants.

-----x

S I R S :

PLEASE TAKE NOTICE, that the defendants Avis Budget Group, Inc. and PV Holding Corp. set forth their statement pursuant to Local Rule 56.1 in support of their instant Notice of Motion pursuant to Fed. R. Civ. P. 56(b) for an order dismissing plaintiff's complaint and granting defendants summary judgment, as follows:

1. That this is an action in diversity to recover personal injuries resulting from an alleged motor vehicle accident which occurred on March 12, 2007. Docket #1.

2. That the defendants PV Holding Corp. and Avis Budget Group, Inc. are affiliated with Budget Rent a Car System, Inc. All are engaged in the business of renting consumer automobiles to the general public under the "Budget Rent a Car" trade name. See Reiseman affidavit.

3. On March 11, 2007, defendant Brenda A. Ithier rented a

2007 Chevrolet Malibu, Massachusetts plate number 35VB42, from Budget Rent a Car System, Inc. See Reiseman affidavit; Close affidavit; rental agreement; certificate of title.

4. That the vehicle referred to in the plaintiff's complaint, a 2007 Chevrolet Malibu alleged to be bearing New York State license plate number 35VB42 and alleged to be operated by the defendant Ithier and is owned by the defendant PV Holding Corp., in actuality, bears Massachusetts license plate number 35VB42. See Docket #1; Reiseman affidavit; rental agreement; certificate of title.

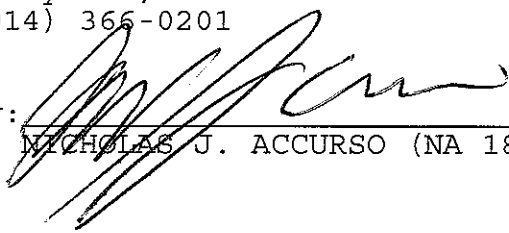
5. That the defendant Avis Budget Group, Inc. was not the owner of said 2007 Chevrolet Malibu. See certified title report.

6. That plaintiff commenced this action by the filing of a summons and complaint on or about May 2, 2008 in Supreme Court of the State of New York, County of New York. See Docket #1.

Dated: Tarrytown, New York
July 31, 2008

Yours, etc.,

REARDON & SCLAFANI, P.C.
Attorneys for Defendants
PV Holding and Avis
OFFICE & P.O. ADDRESS
220 White Plains Road, Suite 235
Tarrytown, New York 10591
(914) 366-0201

By: 
NICHOLAS J. ACCURSO (NA 1853)